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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,045	02/09/2004	Ray J. Hutchinson	2400-756E	8992
27820	7590	05/03/2005	EXAMINER	
WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512			LARKIN, DANIEL SEAN	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary	Application No. 10/775,045	Applicant(s) HUTCHINSON ET AL.	
	Examiner Daniel S. Larkin	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 7-21, 23-29, and 33-48 is/are allowed.
- 6) ☐ Claim(s) 2-6 and 22 is/are rejected.
- 7) ☐ Claim(s) 30-32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 14 June 2004 has been considered by the examiner; however, the references to Hendershot and Hendershot et al. have nevertheless been crossed out because they are duplicates of those presented in the IDS submitted on 13 May 2004. Secondly, citations 1-35 of the IDS submitted 14 June 2004 have been crossed out as they are duplicates of those reference presented in the IDS submitted 09 June 2004. Lastly, citations 12, 21, and 22 of the IDS submitted 09 June 2004 are duplicates of citations 10, 16, 7 , respectively, of the same IDS; and therefore have been crossed out.

Drawings

2. The drawings are objected to because of the following:

Reference numeral "30", as shown in the top insert of Figure 1, should be corrected to read -- 32 --.

Reference is made to the communication line 81 coupling the sump liquid sensor 34 to the tank monitor, page 8, paragraph [0030], lines 5-7; however, Figure 1 fails to show the communication line 81 connected to the sump liquid sensor 34.

Reference is made in the specification, page 98, paragraph [00310], lines 1-4, that fuel detected by the fuel dispenser sump 18 can be reported; however, Figure 1 fails to show any means of communicating a leak to the tank manager 62 or the sit controller 64.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "pressure sensors 60 located within the interstitial space 53 of the shear valve 52 and the interstitial space (58) of the branch conduit 50, as described in the specification, page 12, paragraph 001], line 2-5. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

Page 1, paragraph [0002], line 3: The phrase --, now U.S. Patent No. 6,834,534, -- should be inserted after date "2003".

Page 12, paragraph [0042], line 7: The term -- in -- should be inserted after the term "reference". Appropriate correction is required.

Claim Objections

6. Claims 30-32 are objected to because of the following informalities:

Re claim 30, claim line 1: A liquid detection sensor would only be able to detect a "fluid" of the liquid variety, not a gas, which is also a fluid. The term "fluid" should be corrected to read -- liquid --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2-6 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 2, claim lines 2 and 3: The phrase "said defined initial threshold vacuum level" lacks antecedent basis.

Re claim 3, claim line 3: The phrase "said defined initial threshold vacuum level" lacks antecedent basis.

Re claim 22, claim lines 1 and 2: Is this "submersible pump" different than the one cited in claims 1 and 21 previously?

Allowable Subject Matter

9. The following is a statement of reasons for the indication of allowable subject matter:

Prior art was not relied upon to reject claims 1-48 because the prior art fails to teach and/or make obvious the following:

Claims 1-24: Providing a fuel dispensing system, comprising a fuel dispenser comprising a double-walled fuel supply piping having an inner piping and an outer piping located around the inner piping forming an interstitial space, and a pressure sensor coupled to the interstitial space to detect a vacuum level in the interstitial space; and a vacuum generator coupled to the interstitial space in combination with all of the remaining limitations of the claim.

Claims 25-48: Providing a method for detecting a leak in a double-walled fuel supply piping internal to a fuel dispenser having an interstitial space, comprising: creating a vacuum level in an interstitial space of a double-walled fuel supply piping internal to the fuel dispenser using a vacuum generator; and monitoring the vacuum level in the interstitial space in combination with all of the remaining limitations of the claim.

The prior art shows a plurality of reference that teach using a double-walled pipe to transfer fluid from an underground storage tank to a pump housing and from a pump housing to a dispenser; however, the prior art fails to teach a double-walled piping internal to a fuel dispenser.

10. Claims 30-32 are objected to, but would be allowable if corrected in accordance with the examiner's suggestions cited above in paragraph 6.

11. Claims 2-6 and 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Larkin whose telephone number is 571-272-2198. The examiner can normally be reached on 8:00 AM - 5:00 PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2856

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Larkin
AU 2856
21 April 2005



DANIEL S. LARKIN
PRIMARY EXAMINER